

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Daniel Libraty,

Plaintiff,

v.

Denis McDonough, et al.,

Defendants.

No. 1:20-cv-01764-KJM-SAB

ORDER TO SHOW CAUSE

Counsel for plaintiff Daniel Libraty argues in opposition to the pending motions for summary judgment that this court should consider whether he could prove a disability was one “motivating factor” behind defendants’ allegedly discriminatory actions. *See* Opp’n to UCSF Mot. at 19, ECF No. 36 (citing *Murray v. Mayo Clinic*, 934 F.3d 1101 (9th Cir. 2019), among other authority); Opp’n to VA Mot. at 17 & n.2, ECF No. 37 (same). The court heard oral arguments on the pending motions on June 26, 2025, and counsel reiterated this argument orally. The court has reviewed the cases counsel cites to support this position. These cases appear not to support counsel’s argument, but rather to reject it. *See, e.g., Murray*, 934 F.3d at 1105–07 (overruling previous decision “holding that a plaintiff bringing a discrimination claim under Title I of the ADA need show only that a disability was a motivating factor of the adverse employment action”).

1 The local rules of this district obligate attorneys who practice here to “become familiar  
2 with and comply with the standards of professional conduct required of members of the State Bar  
3 of California and contained in the State Bar Act, the Rules of Professional Conduct of the State  
4 Bar of California, and court decisions applicable thereto, which are hereby adopted as standards  
5 of professional conduct in this Court.” E.D. Cal. L.R. 180(e). The California Rules of  
6 Professional Conduct provide in turn that a lawyer shall not “knowingly make a false statement of  
7 fact or law to a tribunal or fail to correct a statement of material fact or law previously made to  
8 the tribunal.” Cal. R. Prof. Conduct 3.3(a)(1). Nor may a lawyer “knowingly misquote to a  
9 tribunal the language of a . . . decision or other authority.” Cal. R. Prof. Conduct 3.3(a)(2).

10 **Within seven days**, counsel for plaintiff Libraty is **ordered to show cause** why this court  
11 should not impose sanctions for violations of the rules quoted in the previous paragraph,  
12 including monetary sanctions of \$250 and the striking of the filings at ECF Nos. 36 and 37 in  
13 whole or in part.

14 IT IS SO ORDERED.

15 DATED: July 7, 2025.

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UNITED STATES DISTRICT JUDGE